

**Senate Bill No. 72**

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Passed the Senate September 8, 2005

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*Secretary of the Senate*

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Passed the Assembly September 7, 2005

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Article 8 (commencing with Section 60120) to Chapter 1 of Part 33 of the Education Code, relating to instructional materials, and making an appropriation therefor.

## LEGISLATIVE COUNSEL'S DIGEST

SB 72, Committee on Budget and Fiscal Review. Instructional materials: English language learners.

Existing law requires the State Board of Education to adopt at least five separate basic instructional materials, as defined, for use in kindergarten and each of grades 1 to 8, inclusive, in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject, discipline or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

This bill would provide specified funding to school districts to provide supplementary instructional materials specifically for English language learners in kindergarten and grades 1 to 12, inclusive, for the purpose of accelerating those pupils as rapidly as possible toward grade level proficiency, with certain requirements. The bill would appropriate \$20,000,000 from the General Fund to the State Department of Education to provide supplemental instructional materials for English language learners in accordance with these provisions. The bill would also provide that, for purposes of satisfying the minimum annual funding obligation for school districts and community college districts required under the California Constitution, this amount is deemed General Fund revenues and are to be included within "total allocations to school districts from the General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined, for the fiscal year in which they are allocated.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Article 8 (commencing with Section 60120) is added to Chapter 1 of Part 33 of the Education Code, to read:

Article 8. Supplementary Instructional Materials for English  
Language Learners

60120. (a) The Superintendent shall allocate funding to school districts to provide supplementary instructional materials specifically for English language learners in kindergarten and grades 1 to 12, inclusive, for the purpose of accelerating those pupils as rapidly as possibly toward grade level proficiency, in accordance with subdivision (b). The supplementary instructional materials shall be designed to help English language learners become proficient in reading, writing, and speaking English and may only be used in addition to the standards-aligned materials adopted by the state board pursuant to Section 60605.

(b) Local educational agencies shall be eligible for apportionment funding of up to twenty-five dollars (\$25) per pupil, based on the most recently certified language census number of English language learners in kindergarten and grades 1 to 12, inclusive, to purchase any materials that the department verifies and the state board approves as substantially correlated to the identified state standards adopted pursuant to Section 60811, as applied in the standards adopted pursuant to Section 60605. Local educational agencies shall return to the state any funds allocated pursuant to this section that are not expended for the purchase of materials pursuant to this section.

(c) As a condition of the receipt of funds allocated in accordance with subdivision (b), local educational agencies that elect to participate shall do both of the following:

(1) No later than September 15, 2006, submit an intent to purchase, specifying the title, ISBN number, grade levels, type, and publisher of the materials they intend to purchase, and the number of pupils for which materials will be purchased.

(2) Certify that instructional materials the agency intends to purchase are substantially correlated to support the identified state standards and adopted materials, and submit this certification to the department. Participating school districts shall not be required to certify materials locally if the materials have already been found to be substantially correlated with standards by the department and the state board.

(d) Upon the submission of materials to the department pursuant to paragraph (1) of subdivision (c), the publisher of

those materials shall submit standards maps to the department and any requesting local educational agency so that the department and the local educational agency can determine the extent to which each item, if purchased separately, or set of instructional materials for English language learners are correlated to the standards adopted by the state board. The standards maps shall be filled out using the most recent format approved by the state board. The contents for the standards map shall be the correlation matrix developed by department during the 2004-05 fiscal year in accordance with Item 6110-189-0001 of Section 2.00 of Chapter 208 of the Statutes of 2004.

(e) The department is not required to determine if instructional materials correlate to the standards adopted by the state board if it previously reviewed a particular instructional material during the 2004-05 fiscal year in accordance with Item 6110-189-0001 of Section 2.00 of Chapter 208 of the Statutes of 2004.

(f) After a local educational agency notifies the department that it intends to purchase materials, the department may select and train panels of teachers and educators to verify the standards maps provided by the publishers and examine the materials for legal and social compliance.

(g) The department shall develop and implement an appeals process to allow due process review of discrepancies of findings in the verification process.

(h) The verification of the department shall not constitute a state adoption of instructional materials pursuant to Section 60200.

(i) The department shall give first priority in verifying correlation to identified state standards to those materials that are most commonly cited in intents to purchase provided pursuant to subdivision (c). The department shall submit its verification results to the state board for approval and the state board shall approve or disapprove the materials at the next regularly scheduled meeting after receipt of the department's verification, in accordance with public notification requirements.

(j) For purposes of this section, "standards map" means a completed form provided by the department that certifies the alignment of instructional materials to the appropriate content standards adopted pursuant to Section 60605.

SEC. 2. The sum of twenty million (\$20,000,000) is hereby appropriated from the General Fund to the State Department of Education to provide supplemental instructional materials for English language learners in accordance with Section 60120 of the Education Code. These funds shall be available for encumbrance by local educational agencies until June 30, 2007. The funds shall be used to purchase supplemental materials that are designed to help English language learners become proficient in reading, writing, and speaking English. These materials may only be used in addition to the standards-aligned materials adopted by the State Board of Education pursuant to Section 60605 of the Education Code.

SEC. 3. For the purposes of making computations required by Section 8 of Article XVI of the California Constitution, to the extent that funds appropriated by this bill are allocated to school districts, they shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (d) of Section 41202 of the Education Code for the fiscal year in which they are allocated, and shall be included within “total allocations to school districts from the General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (c) of Section 41202 of the Education Code, for that fiscal year.





Approved \_\_\_\_\_, 2005

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*Governor*